

By



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,443	09/29/2003	Richard A. Falcioni	6674P001	4131

8791 7590 07/27/2005

BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
 12400 WILSHIRE BOULEVARD  
 SEVENTH FLOOR  
 LOS ANGELES, CA 90025-1030

EXAMINER  
 WANG, JIN CHENG

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/674,443

Applicant(s)

FALCIONI, RICHARD A.

Examiner

Jin-Cheng Wang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant's submission filed on 5/10/2005 has been entered. Claims 1, 3, 5-7, 21, 29, 40-42 have been amended. Claims 1-42 are pending in the application.

### ***Response to Argument***

Applicant's arguments with respect to claim 1 and similar claims have been considered but are not found persuasive in view of the prior art of record. For example, Ramian teaches a method for generating a desired alphanumeric character, comprising: receiving a user's selection of a combination of one or more zones from a plurality of zones, wherein the plurality of zones abut one another, eliminating intervening spaces (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149); and contrasting the combination with the remainder of said plurality of zones so that the combination is essentially selected leaving behind a graphic symbol that resembles the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

Ramain teaches that, if the combination is contrasted with the remainder of said plurality of zones. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of zones by illuminating the curves within such combination which must be contrasted with the remainder of zones so that the drawn curves resemble the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ramain's invention because Ramain's remainder of the plurality of

Art Unit: 2672

zones corresponds to applicant's combination of one or more zones from the plurality of zones and Ragain's selection of the plurality of zones corresponds to applicant's remainder of the plurality of zones. Applicant's claimed invention has reversed the parts of Ragain's components and therefore are obvious over Ragain. See *In re Gazda*, 104 USPQ 400, 402; 219 F.2d 449 (CCPA 1955).

On the other hand, in Ragain, by positively illuminating the curves within a combination of one or more zones from a plurality of zones, Ragain thereby selects the remainder of the plurality of zones as applicant's combination of one or more zones from a plurality of zones and therefore Ragain implicitly teaches contrasting Ragain's remainder with the Ragain's combination of said plurality of zones so that the remainder is essentially removed leaving behind a graphic symbol that resembles the desired character. It is noted that Ragain's remainder corresponds to applicant's combination and Ragain's combination corresponds to applicant's remainder. Applicant has effectively reversed the Ragain's parts. It is also noted that both remainder and the combination represent one or more zones from a plurality of zones and the remainder and the combination added together are the same as the plurality of zones.

Ragain teaches selecting curves and traces along a selected plurality of zones for generating graphic symbols with the stylus so that the combination of the plurality of zones indicate the desired character by illuminating the selected curves and traces with the selected plurality of zones and therefore the remainder can be essentially removed leaving behind a graphic symbol that resembles the desired character because the remainder of the zones except the illuminated curves/traces is not highlighted and thus is also selected. Therefore, the remainder may also be the combination and vice versa.

Moreover, Ramian teaches the combination is contrasted with the remainder area of said plurality of zones not including the illuminated curves and traces. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of curves/traces within the zones by illuminating the curves within such combination which must be contrasted with the remainder area of zones so that the drawn curves resemble the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

Such modification would have been required for constructing an alternative way for generating alphanumeric characters and thereby suggesting the obvious modification of Ramian.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramian.

Re Claims 1, 21-26, 29-30, 33, 34-42:

(a) Ramian teaches a method for generating a desired alphanumeric character, comprising:

Receiving a user's selection of a combination of one or more zones from a plurality of zones, wherein the plurality of zones abut one another, eliminating intervening spaces (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149); and

Contrasting the combination with the remainder of said plurality of zones so that the combination is essentially selected leaving behind a graphic symbol that resembles the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

(b) However, Ramian does not implicitly teach "the remainder resembles the desired character".

(c) Ragain teaches that, if the combination is contrasted with the remainder of said plurality of zones. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of zones by illuminating the curves within such combination which must be contrasted with the remainder of zones so that the drawn curves resemble the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

(d) It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Ragain's invention because Ragain's remainder of the plurality of zones corresponds to applicant's combination of one or more zones from the plurality of zones and Ragain's selection of the plurality of zones corresponds to applicant's remainder of the plurality of zones. Applicant's claimed invention has reversed the parts of Ragain's components and therefore are obvious over Ragain. See *In re Gazda*, 104 USPQ 400, 402; 219 F.2d 449 (CCPA 1955).

On the other hand, in Rmain, by positively illuminating the curves within a combination of one or more zones from a plurality of zones, Rmain thereby selects the remainder of the plurality of zones as applicant's combination of one or more zones from a plurality of zones and therefore Rmain implicitly teaches contrasting Rmain's remainder with the Remain's combination of said plurality of zones so that the remainder is essentially removed leaving behind a graphic symbol that resembles the desired character. It is noted that Remain's remainder corresponds to applicant's combination and Remain's combination corresponds to applicant's remainder. Applicant has effectively reversed the Remain's parts. It is also noted that both remainder and the combination represent one or more zones from a plurality of zones and the remainder and the combination added together are the same as the plurality of zones.

Rmain teaches selecting curves and traces along a selected plurality of zones for generating graphic symbols with the stylus so that the combination of the plurality of zones indicate the desired character by illuminating the selected curves and traces with the selected plurality of zones and therefore the remainder can be essentially removed leaving behind a graphic symbol that resembles the desired character because the remainder of the zones except the illuminated curves/traces is not highlighted and thus is also selected. Therefore, the remainder may also be the combination and vice versa.

Moreover, Ramian teaches the combination is contrasted with the remainder area of said plurality of zones not including the illuminated curves and traces. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of curves/traces within the zones by illuminating the curves within such combination which must be contrasted with the remainder area of zones so that the drawn curves

Art Unit: 2672

resemble the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

(e) Such modification would have been required for constructing an alternative way for generating alphanumeric characters and thereby suggesting the obvious modification of Ramian.

Claim 2:

The claim 2 encompasses the same scope of invention as that of the claim 1 except additional claim limitation that the plurality of zones are arranged so that the periphery around them is the maximum extent of every graphic symbol that appears when a combination of one or more zones is contrasted. However, Ramian further discloses the claim limitation of the plurality of zones are arranged so that the periphery around them is the maximum extent of every graphic symbol that appears when a combination of one or more zones is contrasted (*Ramian teaches selecting curves and traces along a selected plurality of zones for generating graphic symbols with the stylus so that the remainder of the unselected areas of the plurality of zones indicate the desired character by illuminating the selected curves and traces with the selected plurality of zones and therefore the remainder resembles the desired character because the remainder of the zones except the illuminated curves/traces is not highlighted. Moreover, Ramian teaches the combination is contrasted with the remainder area of said plurality of zones not including the illuminated curves and traces. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of curves/traces within the zones by illuminating the curves within such combination which must be contrasted with the remainder area of zones so that the drawn curves resemble the desired*



Art Unit: 2672

*character. See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149)*

Claim 3:

The claim 3 encompasses the same scope of invention as that of the claim 1 except additional claim limitation of the plurality of zones forming a matrix of solid elements that are of the same color. However, Ramian further discloses the claim limitation of the plurality of zones forming a matrix of solid elements that are of the same color (Figs. 1-3).

Claim 4:

The claim 4 encompasses the same scope of invention as that of the claim 3 except additional claim limitation of the matrix having twelve zones arranged in four rows and three columns. However, Ramian further discloses the claim limitation of the matrix having twelve zones arranged in four rows and three columns (Figs. 1-2).

Claim 5:

The claim 5 encompasses the same scope of invention as that of the claim 3 except additional claim limitation that the respective combination of zones has no more than two zones, and wherein each one of the 26 letters of the English alphabet and 10 decimal numerals is represented by a different combination of zones. However, Ramian further discloses the claim limitation that the respective combination of zones has no more than two zones, and wherein each one of the 26 letters of the English alphabet and 10 decimal numerals is represented by a different combination of zones (*This is because the character "z" can be traced within one zone of the matrix and all the English alphabets and 10 decimal numerals can be represented by the*

Art Unit: 2672

*matrix; See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 0139, 0147, 0149).*

Claim 6:

The claim 6 encompasses the same scope of invention as that of the claim 3 except additional claim limitation of providing a plurality of mnemonic aids that represent a plurality of different alphanumeric characters, wherein each aid being depicted by a matrix of the plurality of zones that shows the respective combination. However, Ramian further discloses the claim limitation of providing a plurality of mnemonic aids that represent a plurality of different alphanumeric characters, wherein each aid being depicted by a matrix of the plurality of zones that shows the respective combination (*See Figs. 1-3; Paragraph 007, 0030, 0043, 0072, 0085, 0108, 0109, 0130, 0139, 0147, 0149).*

Claim 7:

The claim 7 encompasses the same scope of invention as that of the claim 1 except additional claim limitation of visually contrasting a combination of one or more of said plurality of zones with unselected ones of said plurality of zones, as the combination is being selected by a person. However, Ramian further discloses the claim limitation of visually contrasting a combination of one or more of said plurality of zones with unselected ones of said plurality of zones, as the combination is being selected by a person. Ramian discloses visually contrasting the combination of zones with the selected curves/traces illuminated with the unselected zones un-illuminated wherein the combination of the zones are selected by a person with for example a stylus (*See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 0139, 0147, 0149).*

Claim 8:

Ramian teaches a method for generating alphanumeric characters, comprising:

Providing a plurality of selection zones (*See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 0139, 0147, 0149*);

Instructing a user to select a combination, of one or more of said plurality of selection zones, that represents the user's desired alphanumeric character (the user selects a plurality of selection zones by a stylus by drawing curves/traces within the selection zones that represent the user's desired character; *See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 0139, 0147, 0149*);

Providing a mapping between said selected combination and the desired alphanumeric character (e.g., Paragraph 0130), wherein the mapping is based on (a) representing each character as a juxtaposition of some of a plurality of open and closed curves (Figs. 1-2), the plurality of selection zones being fewer than the plurality of curves (Figs. 1-2 wherein the characters "a" and "z" being drawn with more curves than the selection zones), (b) creating a template containing all of the plurality of open and closed curves (e.g., Paragraph 0130), and c) aligning the template with the plurality of selection zones (e.g., Paragraph 0130).

Claim 9:

The claim 9 encompasses the same scope of invention as that of the claim 8 except additional claim limitation of enabling the user to select one of the selection zones in the combination, by one of a) depressing a respective push-button and (b) touching a respective region in a touch-sensitive surface. However, Ramian teaches enabling the user to select one of

Art Unit: 2672

the zones by using a stylus in a touch-sensitive surface (*Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 0139, 0147, 0149*).

Claim 10:

Ramian teaches a method for textual communication, comprising:

Forming words and phrases using some of a plurality of graphic symbols that represent an entire alphabet (e.g., Paragraph 0100), wherein each graphic symbol visually suggests a separate letter of the alphabet and is made of one or more marks, in a receiving area, none of which form a closed shape (*Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 0139, 0147, 0149*). For example, the traces for the letters “c” and “z” does not form a closed shape.

Claim 11:

The claim 11 encompasses the same scope of invention as that of the claim 10 except additional claim limitation of a word being formed by a user marking a separate receiving area for each graphic symbol that constitutes the word as if the user were writing the word on a sheet of paper. However, Ramian further discloses the claim limitation of a word being formed by a user marking a separate receiving area for each graphic symbol that constitutes the word as if the user were writing the word on a sheet of paper (*Figs. 1-2; Pages 4-8*).

Claim 12:

The claim 12 encompasses the same scope of invention as that of the claim 11 except additional claim limitation of the user using a writing instruct to mark a form sheet on which a plurality of separate receiving areas have been delineated. However, Ramian further discloses the

claim limitation of the user using a writing instruct to mark a form sheet on which a plurality of separate receiving areas have been delineated (Figs. 1-2 and Pages 4-8).

Re Claims 13-15:

Ramian teaches a method of textual communication, comprising:

Considering a receiving area that bears a combination of one or more marks as representing an alphanumeric character, wherein each mark has a given form (Figs. 1-2), position and orientation, within the receiving area, that suggest a feature of the character through a complementary rather than direct relationship with that feature (*Ramian teaches selecting curves and traces along a selected plurality of zones for generating graphic symbols with the stylus so that the remainder of the unselected areas of the plurality of zones indicate the desired character by illuminating the selected curves and traces with the selected plurality of zones and therefore the remainder resembles the desired character because the remainder of the zones except the illuminated curves/traces is not highlighted. Moreover, Ramian teaches the combination is contrasted with the remainder area of said plurality of zones not including the illuminated curves and traces. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of curves/traces within the zones by illuminating the curves within such combination which must be contrasted with the remainder area of zones so that the drawn curves resemble the desired character. See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149*).

Re Claims 16-20 and 27-28 and 31-32:

Ramian teaches that, if the combination is contrasted with the remainder of said plurality of zones. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones

so that it can suggest to a person the respective combination of zones by illuminating the curves within such combination which must be contrasted with the remainder of zones so that the drawn the curves resemble the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected zones for generating graphic symbols with the stylus so that the remainder of the unselected zones resembles the desired character because Raman teaches selecting curves and traces along a selected plurality of zones for generating graphic symbols with the stylus so that the remainder of the unselected areas of the plurality of zones indicate the desired character by illuminating the selected curves and traces with the selected plurality of zones and therefore the remainder resembles the desired character because the remainder of the zones except the illuminated curves/traces is not highlighted. Moreover, Ramian teaches the combination is contrasted with the remainder area of said plurality of zones not including the illuminated curves and traces. For example, the characters "a" and "z" in Fig. 2 are drawn within a plurality of zones so that it can suggest to a person the respective combination of curves/traces within the zones by illuminating the curves within such combination which must be contrasted with the remainder area of zones so that the drawn curves resemble the desired character (See Figs. 1-3; Paragraph 007, 0030, 00430072, 0085, 0108, 0109, 0130, 01390147, 0149).

Such modification would have been required for constructing an alternative way for generating alphanumeric characters and thereby suggesting the obvious modification of Ramian.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jin-Cheng Wang whose telephone number is (571) 272-7665. The examiner can normally be reached on 8:00 - 6:30 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2672

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jcw



MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600